

FILED

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RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO JUAREZ,

Defendant.

CR No. 08-70879 EMC

STIPULATION AND ~~[PROPOSED]~~ ORDER
WAIVING TIME UNDER FED. R. CRIM. P.
5.1 and EXCLUDING TIME UNDER 18
U.S.C. § 3161

This is the third request to extend the time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, to extend the 30-day time period for indictment and exclude time under the Speedy Trial Act. On January 7, 2009, at the detention hearing in this matter, the parties initially requested an extension until January 30, 2009.

The parties now request a further extension until March 31, 2009. With the agreement of the parties the Court enters this order setting a new preliminary hearing date of March 31, 2009 at

1 9:30 a.m. before the duty magistrate judge, extending the time for the preliminary hearing under
2 Federal Rule of Criminal Procedure 5.1, extending the 30-day time period for indictment and
3 excluding time under the Speedy Trial Act from February 27, 2009 to March 31, 2009. The
4 parties agree, and the Court finds and holds, as follows:

5 1. The production and review of discovery is currently ongoing. Only after evaluating the
6 evidence will counsel be in a position to evaluate any disposition. Counsel believes it is in her
7 client's best interest to negotiate the case pre-indictment, and she cannot do that without
8 evaluating the evidence.

9 2. Taking into account the public interest in the prompt disposition of criminal cases, the
10 parties agree, and the Court holds, that these grounds are good cause for further extending the
11 time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and extending
12 the 30-day time period for indictment.

13 3. Failure to grant an exclusion of time for the requested continuance would deny counsel for
14 defendant the reasonable time necessary for effective preparation of counsel. 18 U.S.C. §
15 3161(h)(8)(B)(iv). Therefore, the Court finds that a further exclusion of time from February 27,
16 2009 to March 31, 2009, is warranted because the ends of justice served by the exclusion of time
17 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §
18 3161(h)(8)(A).

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1 4. Accordingly, and with the consent of the defendant, the Court (1) vacates the February 27,
2 2009 preliminary hearing date and sets a preliminary hearing date before the duty magistrate
3 judge on March 31, 2009 at 9:30 a.m., and (2) orders that the period from February 27, 2009 to
4 March 31, 2009, be excluded from the time period for preliminary hearings under Federal Rule
5 of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. §
6 3161(h)(8)(A) & (B)(iv).
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8 STIPULATED:
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10 DATED: _____

/s
RITA BOSWORTH
Attorney for Mario Juarez

12 DATED: _____

/s
KATHERINE DOWLING
Assistant United States Attorney

14 IT IS SO ORDERED.

15 DATED: 2-26-09



HON. MARIA ELENA JAMES
United States Magistrate Judge